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8 **UNITED STATES DISTRICT COURT**
9 **SOUTHERN DISTRICT OF CALIFORNIA**
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11 CHANTY KEO,

12 vs.

13 MATTHEW CATE,

14 Plaintiff,

15 Defendant.

CASE NO. 11-CV-2154

**ORDER DENYING PETITION FOR
WRIT OF HABEAS CORPUS**

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17 Keo file a state habeas petition on September 15, 2011, which was referred to
18 Magistrate Judge Major for report and recommendation pursuant to 28 U.S.C. § 636. Cate
19 responded to the petition on February 13, 2012, Keo filed a traverse, and Judge Major
20 issued her R&R on June 18. Judge Major recommended that Keo's habeas petition be
21 denied, and she ordered that any objections to her R&R be filed by July 16, 2012. Keo has
22 not filed an objection, however, and this is of substantial consequence.

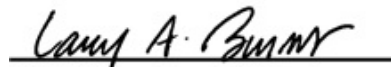
23 "The court shall make a de novo determination of those portions of the [report and
24 recommendation] to which objection is made." 28 U.S.C. §636(b). Moreover, 28 U.S.C.
25 Section 636(b)(1) does not require some lesser review by the district court when no
26 objections are filed. *Thomas v. Arn*, 474 U.S. 140, 149–50 (1985). The Ninth Circuit has
27 interpreted the language of 28 U.S.C. Section 636(b)(1), and determined that the "statute
28 makes it clear that the district judge must review the magistrate judge's findings and

1 recommendations de novo *if objection is made*, but not otherwise." *United States v.*
2 *Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc).

3 The Court has reviewed the R&R and finds it to be thorough and correct. Accordingly,
4 the Court **ADOPTS** it. Keo's habeas petition is **DENIED**.

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6 **IT IS SO ORDERED.**

7 DATED: August 10, 2012

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9 **HONORABLE LARRY ALAN BURNS**
10 United States District Judge
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